



Attorney Docket No. 56245 (71699)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS A.C. Lardo, et al. EXAMINER: Shay, D. M.

U.S.S.N.: 09/904,182 GROUP: 3735

FILED: July 11, 2001 Conf. No. 1162

FOR: APPLICATION OF PHOTOCHEMOTHERAPY FOR THE TREATMENT OF
CARDIAC ARRHYTHMIAS

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION; 37 C.F.R. § 1.321(c)**

Sir:

I, Lisa Swiszc Hazzard, represent that I am an attorney of record for this patent application.

The assignee, Johns Hopkins University owns the entire right, title and interest in U.S.S.N. 09/904,182 by virtue of an assignment recorded on October 3, 2001 at Reel 012225, Frame 0948. The assignee, Johns Hopkins University, also owns the entire right, title and interest in U.S. Patent 7,137,395, granted November 21, 2006 (U.S.S.N. 09/796,571, filed February 28, 2001).

The terminal part of the statutory term of any patent granted on U.S.S.N. 09/904,182 that would extend beyond the expiration date of the full statutory term, or any extensions thereto, defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent 7,137,395 forming the basis of the double patenting rejection, is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on U.S.S.N. 09/904,182 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent

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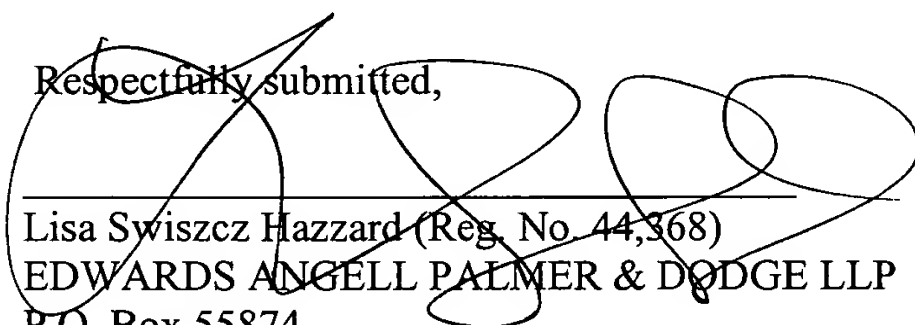
7,137,395. This agreement shall run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on U.S.S.N. 09/904,182 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent 7,137,395, in the event that U.S. Patent 7,137,395 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminal disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued in any matter, or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for separation of legal title stated above.

For the required filing fee in accordance with 37 C.F.R. §1.321(b)(4) and 37 C.F.R. §1.20(d), please charge Deposit Account No. 04-1105. If additional money is required, please also charge Deposit Account No. 04-1105.

Date: Dec. 4, 2006

Respectfully submitted,



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